

Assembly Bill No. 2380

CHAPTER 110

An act to add and repeal Part 22.5 (commencing with Section 44000) to Division 2 of the Revenue and Taxation Code, relating to ballast water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 2000. Filed with
Secretary of State July 10, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, Lempert. Ballast water management fee.

Existing law authorizes the State Lands Commission to impose a fee on owners or operators of vessels for the purpose of funding a program for the management of ballast water use. The State Board of Equalization is authorized to collect the fee and deposit it to the Exotic Species Control Fund.

This bill would provide the administrative authority to the board to establish procedures for collecting the ballast water management fees.

The provisions of this bill would be repealed on January 1, 2004.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Part 22.5 (commencing with Section 44000) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 22.5.

44000. This part shall be known, and may be cited, as the Ballast Water Management Fee Law.

44001. For purposes of this part, "board" means the State Board of Equalization.

44002. The collection and administration of the fee imposed by Chapter 4 (commencing with Section 71215) of Division 36 of the Public Resources Code shall be governed by the definitions specified in Section 71200 of the Public Resources Code, unless expressly superseded by the definitions contained in this part or Part 30 (commencing with Section 55001) of Division 2.

44003. The fee imposed on owners or operators of vessels pursuant to Section 71215 of the Public Resources Code shall be

administered and collected by the board in accordance with this part and Part 30 (commencing with Section 55001) of Division 2.

44004. Every person, as defined in Section 55002, who is subject to the fees imposed by Chapter 4 (commencing with Section 71215) of Division 36 of the Public Resources Code shall register with the board on forms or in a manner provided by the board.

44005. Except as authorized in Section 44005, the fee imposed on owners or operators of vessels pursuant to Section 71215 of the Public Resources Code is due and payable to the board 30 days from the date of assessment by the board or the board's agent.

44006. In order to facilitate the administration of this part and in lieu of issuing an assessment for the fee, the board may authorize the feepayer to file a return for a monthly, quarterly, or other period set by the board. The return shall identify each vessel voyage and each port of call in California for which a ballast water report is required to be filed with the State Lands Commission, pursuant to Section 71205 of the Public Resources Code, during the period covered by the return. If the board authorizes the filing of a return, the fees must be paid to the board by the end of the calendar month following the end of the return reporting period.

44007. All fees, interest, and penalties imposed and all fees required to be paid to the state pursuant to Section 71215 of the Public Resources Code shall be paid in the form of remittances payable to the board. The board shall transmit the payments to the Treasurer to be deposited in the State Treasury to the credit of the Exotic Species Control Fund.

44008. This part shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date; provided, however, this part shall remain applicable for the collection of assessments, the liability for which accrued prior to January 1, 2004; the making of any refunds and the effecting of any credits; the disposition of money collected; and the commencement of any action or proceeding pursuant to this part.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because the current ballast water management fee provisions lack the administrative authority contained in this act to collect fees, and because those provisions became operative on January 1, 2000, it is necessary that this act take effect immediately.

